SALT LAKE CITY, UTAH, TUESDAY MORNING, MARCH 9, 1909.

· policio de la contractiona de

 $STATE\ FINANCIAL\ TUG ext{-}OF ext{-}WAR$

PUT ANOTHER HOUR ON

Do it better. That last final stroke marks the hand of the master. The man who ther man is the man that always has a o do one thing well has solved the greatst problem of life. Do it better.

LXXVIII, NO. 146. WEATHER TODAY-Fair.

LANS OF MISSURE W

cision of Vital Importance to Railroad and Business Circles Rendered by United States District Court.

TES FIXED BY LEGISLATURE HELD TO BE CONFISCATORY AND UNCONSTITUTIONAL

hteen Roads Affected; State May Appeal Case; Same Question Is Pending in Several Other States.

down here today in the United district court by Judge Smith As a result, it is believed, will be a quick return in Missouri fares. Frank Hagerman, for the eighteen companies declares the court's ruling the death knell of the 2-cent every state in the union

McPherson held that both the lity and passenger laws were tory and unconstitutional. state, on the other hand, de

emphatically that Missouri's lower rates would continue. y-General Major said an apwould be taken, and that the legislature would be asked a new rate law that would he tests of the court. Gov. made a similar statement at

Text of Decision.

question." said Judge McPher his decision, 'sia Judge McPher-his decision, 'is whether the wholly within the state of Mis-generally referred to in the evi-as local traffic, can be carried the freight rate statute of 1907 e passenger fare statute of 1907 profit as will give a reasonable a loss or less than such reaa ross of less than such fea-epople. The court has reached melusion that upon this question atutory rates fixed by either and tatutes are not remunerative." riving the reasons for such conclu-ted decision says: "The unques-

me statute is invalid. In these cases held. Beale & Wyman, on railroad rates regulation, amounted such as being the correct rule.

and unbroken line, with the single problem Not Complicated. Hestion of the majority opinion in the sylvania case decided a year ago.

Immaterial Testimony.

All testimony and argument bearpon the question as to what con-tion the legislature of Missouri to these enactments is utterly imrial. Much was said in argument the message of Governor Hughes sew York two years ago in declining Daprove the two-cent fare statute of ne before the two-cent fare statute of new state. Governor Hughes had the upe I courage to veto a measure of popular of favor because, as he believed, the ion had not been fully considered.

I state relations of a governor to promote to a legislation, and those of a court discourse the state of the stat

Inst laymen and many lawyers bethat the question is whether the
my company as a system is carning
ient revenue upon the value of the
stry of the system. They believe
if the Burlington, Santa Fe, Waor any other railroad system is
mg such money as will pay all
res and expenses including taxes es and expenses including taxes nterest, with reasonable dividends a stockholders, that state rates for business must stand. course no one believes this who

slightest attention to the and was decided by Justice Brewd affirmed by the supreme court in braska case of Smyth vs. Ames, ally question is as to Missouri rates. expenses properly charged against ame. And if this balance does not alloame. And if this balance does not sufficient to pay a reasonable rether the law is invalid. And if the will had system of any company is carnital bore than a reasonable return by the of interstate rates, which affect copie many times more than local and if such interstate rates are igh congress, either acting alone or a commission, must make the

What Is Fair Profit.

be supreme court during the presyear in the case of the city of
York vs. Consolidated Gas comyour of New York, decided that 6 per
amo was fair and right to be given to
on is that while a gas plant is in
Alfa respects different from a railroad,
a railroad unnerty manufacture. he supreme court during the presrallroad property, properly built roporly managed should over and expenses make a return of 6 per

And considering all the evidence, airly shows that all of these were properly and economic built and are being properly and amically managed, and that after age the expenses for maintenance operation, that there is less than 6 by the control of returns and not more than 3 required. operation, that there is less than perfect of returns and not more than 3 bent upon any of them, and as to be the property of the property of

NSAS CITY, March 8.—Mis-2-cent passenger and maximum of Missouri at its fair valuation.

'And this is so without reference to bonds, because in no case do the bonds because in no case do the bonds.

bonds, because in no case do the bonds bear 6 per cent interest. But, taking the bonds into consideration, there is still not to exceed 3 per cent returns, and in many cases a deficit after consid-ering all debits and credits upon the true valuation for the state business. There is no evidence that any of the existing bonds were improperly issued either as to amounts or rates of in-terest.

"In fixing the value the court has onsidered the evidence of witnesses as considered the evidence of witnesses as to the stocks and bonds outstanding, and the state board for taxing purposes has valued these properties. Of course, those findings are not binding nor conclusive, but they are persuasive. But independently of what the state board has valued these properties for taxing purposes, the evidence shows the valuations to be as recited in the findings of

tions to be as recited in the findings of fact herewith filed, and to which reference will be made in the decrees.

"It is absolutely necessary that many trains both passenger and freight do both a local and interstate business. Even the fast trains, stopping at but few stations in the state, carry state passengers between such stations. And the same is true as to freight trains carrying freight both in carload and less

carrying freight both in carload and less than carload lots.

"The valuation of the roads has been fixed by the court as shewn by the find-ings of fact. The entire state and in-terstate carnings of each of the roads within the state is known and fixed to a certainty. The expenses are known and fixed. To apportion these expenses must be done according to one of the two theories, and the correct theory is two theories, and the correct theory is that according to revenue. "The court has adopted the revenue

theory because a great number of the best railroad experts of the country, against a very limited number to the of the validity of every legislaof the validity of every legislacontrary, have so testified. Every courthat has ever had this question before
it, in so far as I am advised by the
briefs of counsel and my own indebriefs of

Problem Not Complicated.

"The values of the property within the state have been fixed by the court, The entire earnings within the state, in terstate and state, freight, passenger and miscellaneous of each, have been fixed. The entire expense is known, including the extra cost of each. To ascertain whether the result is a profit. and if so, what per cent, or a loss, is but a matter of primary arithmetic, as is shown by Judge Van Devanter in Ar-There are other kansas rate cases. methods equally simple, the resigures of course being the same.

These computations show as to the ommodifies covered by the freight ate statute of 1907, that for two roads, he Hannibal & St. Louis and the Burlington, allowing nothing for extra cost, there is a deficit, and with all other companies less than 2 per cont. But with the extra cost added, the deficit for the two companies is much greater, and the other companies show a deficit

"The passenger earnings under the cent fare law of 1907, allowing noth-2-cent fare law of 1907, allowing nothing for extra cost over, interstate business, give no return whatever to the Rock Island, St. Louis & Hannibal, Kansas City, Clinton & Springfield, and the Great Western. The other companies will have the following. The St. Louis & San Francisco, between 3 and 4 per cent; the Santa Fe, between 4 and 5 per cent; the Kansas City Southern, a small fraction over 2 per cent. small fraction over 2 per cent; Missouri, Kansas & Texas, between the Missouri, Kansas & Texas, between 2 and 3 per cent; the Burlington, between 3 and 4 per cent. But all this is arrived at by allowing no extra cost of service. But to add the extra cost of service. But to add the extra cost for freight and passenger, there are no earnings over expenses. This is con-fiscation under the constitution.

What Might Be Legal.

"It being a legislative net, and not a judicial one, this court cannot fix rates. If it could, 2½-cent passenger rates would be fixed for the stronger roads, and 3 for the others. But that is for the legislature, acting itself with experts such as the state employed in these cases or through a state of the state of

He says further as to the abolition of passes that the evidence shows the passenger revenue is increased by reason thereof less than 1 per cent.

The maximum freight law as passed by the legislature involved reductions ranging from 2 per cent to 40 per cent

Continued on Page Two.



DUTY ON LUMBER TO BE CUT ONE-HALF

This Said to Be Plan of Those Who Have New Tariff Measure in Charge.

WASHINGTON, March 8 .- A cut of ne-half in the duties on lumber and manufactures of lumber is understood to be one of the changes provided by the new tariff bill, which is using print-ed preparatory to its final revision by the Republican members of the house the Republican members of the house ways and means committee. Another change, according to information from reliable resources, is that hides have been placed on the free list. There has been much contention over the duties of these two articles.

During the heaviers of the lumber

During the hearings of the lumber schedules the testimony was such as to cause the impression that lumber would be put on the free list. It was said that the forests of the country could wish the country and with the country and the state of the country could wish the country and the state of the country could wish the country and the state of the country could wish the country and the state of the country could wish the country could be stated as the country country could be stated as the country be conserved by admitting foreign lumber free of duty. It is un-derstood that Gifford Pinchot, chief forester, is preparing figures in a further effort to have lumber admitted

Lumbermen Fight Act.

Representative Fordney, of Michigan, a member of the committee, has championed the cause of the lumbermen and the latter have been working energetically to prevent a reduction. They contend the rates should be increased in order that the American industry may compete with the cheaper labor employed in Canada, and because of the better facilies afforded by the proximity of the Canadian lumber camps to waterways. member of the committee, has cham-

proximity of the Canadian lumber camps to waterways.

The effort to obtain hides free is being made principally by the New England shoe and leather manufacturers, and is strongly opposed by the cattlemen of the west. It is said that the farmers have agreed to a material reduction on leather manufactures.

An impression prevails that the plan is to have the hide and leather schedule fixed in conference after the questions.

is to have the fine and learner schedule fixed in conference after the questions have been thoroughly threshed on the floor of the house, in the senate, finance committee, and on the floor of the sen-

Champ Clark, the house minority leader, passed considerable time today with Representative Underwood in laying out the plan to be followed by the minority in its fight in the house. It is understood that the Democratic policy will be to criticise the Republican bill and offer amendments to it. They will follow that the plan of the results of the

follow a tariff for revenue rather than for free trade policy. It is expected that by Wednesday the entire measure will be in type.

It has been learned on unquestionable nuthority that because of the placing of hides on the free list, the duty on shoes will be considerably reduced.

Cut on Steel Likely.

While no features were obtainable regarding the steel schedule, it was, on the same authority, that a substantial reduction in the duty on steel rails, tools and similar products is provided

A duty of 4 cents a pound on cork is levied. This by way of compromise with the Porto Ricaus, who demanded

perts such as the state employed in these cases, or through, a commission with like assistance."

Judge McPherson also says in the decision: "When the statutes in question were enacted, it was believed by many that by reducing the fare there would be much more travel. For a month or so this proved to be true. But with the novelty gone the testimony shows that the increase has been less than 3 per cent and more nearly 1 per cent."

For War Revenue.

It having become manifest to the committee that the customs duties under the new bill would not produce the revenue expected, it turned to the ex-pedient of reviving the war revenue act of 1898, which placed a tax on tele

Continued on Page Two.

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Departments. Page

Domestic.

Passenger and freight rate laws of Missouri held unconstitutional.

Problem of cost to carry out plans vexing new administration.

Deadly tornade sweeps through Arkansas Arkansas
Duty on lumber will probably
be cut in two
California aeronaut falls into sea
and loses life
Arguments begun in the Cooper
murder trial

Local. Spry D & R. G offices refurnished. State Federation of Labor meets.

Corporations are not paying Additional land needed for bouleenough Big damage suits filed in U. S

Godman is after salary loan License tax on street ears may be increased Smoot threatens Albert S. Refact Badger is curried by the "Bulle

Pedestrians break 24-hour rec-

W. M. Murray talks race horse .10 Public picks six Arcadia winners.10

WORK OF GETTING JURY APPEARS INTERMINABLE

SAN FRANCISCO, March 8.—The number of jurors passed in the box in the trial of Patrick Calhoun, which entered on its ninth week today, was reduced to eleven this afternoon when John R. Allan, who was accepted temporarily last week, was excused because his name does not appear on the assess-ment roll. Challenge for cause was entered by the prosecution, but the defense would not concur until it had

examined the roll.

Five of the thirty-three men of the eighteenth venire of sixty who were passed by Judge Lawlor for examina-tion, were questioned this afternoon in the effort to fill the vacancy in the box, but all failed to qualify.

NEW YORK FINANCIERS SENTENCED TO PRISON

NEW YORK, March 8.—Convicted of the larceny of \$4000 from the Eagle Savings & Lonn company of Brooklyn, Colonel Edward E. Britton and Quarantine Commissioner Edward H. Schre

time Commissioner Edward H. Schroeder, formerly president and second vice president respectively of the institution were given indeterminate sentences in Sing Sing prison today by Justice Jaycox in the sunreme court, Brooklyn.

Britton and Schroeder were charged in various indictments of the larreny of upwards of \$48,000 from the Eagle Savings & Loan company in furtherance of their promotion of the Homestake South Extension Gold Mining company in South Dakota. Colonel Britton was once colonel in the Eleventh regiment, National Guard of New York.

HOWELL FAILS TO

DEATH-DEALING WIND SWEEPS ARKANSAS

Eight Known Dead; Scores Injured; Immense Loss to Property; Details Lacking.

LITTLE ROCK, Ark., March 8 .-Eight or more persons were killed, scores injured and an immense amount property destroyed in a tornado which swept Arkansas late today. A St. Louis & Southweestrn passenger train was blown from the tracks near Baueum, it is said, while going at full

The entire town of Brinkley was destroyed, according to reports from the south, eight people being killed and others hurt.

After many of the buildings in Brinkley had collapsed the wreekage took fire. The blaze soon got beyond control, and the latest advices were that the destruction of the town would be complete.

To southern and eastern Arkansas all communication is cut off by prostration of telephone and telegraph wires, isolat-ing Hot Springs, Pine Bluff and a num-ber of smaller towns,

ber of smaller towns,
The tornado crossed the Arkansas
river within five miles of Little Rock, causing a waterspout.

Three of the dead at Brinkley are the daughters of C. M. Burch, E. B. Foot and M. Starrett, merchants.

Wide Range of Storm.

A tornado struck Fourche dam at 5

o'clock this afternoon within five miles of Little Rock, killing one and injuring several others. Two houses were molished and one was destroyed by after it had been blown to bits. tornado traveled northeast and swent a clean path about forty yards wide. The wind was followed by a violent hail

and rain storm.

At Kerr the farmhouse of E. B.
Adams was blown down and Adams
was perhaps fatally injured. The whole family was buried in the debris, but were saved. The windows in a train between

Gurdon and Rester were blown out.

At Malvern the Methodist church was entirly destroyed, the Baptist church was damaged and the courthouse unroofed.

Up to midnight it was impossible to communicate with part of eastern, southern or western Arkansas. Only a few wires have been opened since. Heavy rain storms were the extent of the damage at Hot Springs and Texarit was feared tornadoes struck before communication was

GIRL IS MURDERED BY UNKNOWN ROBBER

BALTIMORE, March 8.—Jennie Reed, t years old, was murdered tonight by a ighwayman at Mount Washington, a obush She and John Mueller, to whom she was

She and John Mueller, to whom she was engaged, were on the way to visit friends. In a lonely place they were stopped by a man who called for their valuables. Mueller gave up what money he had, and then the highwayman demanded a necklace worn by Miss Reed. She replied by slapping his face. He then fired, the builet striking the girl in the head and killing her. The slayer escaped.

DUTY ON WOOL WILL PROBABLY BE UNCHANGED

WIN COVETED POSITION

Special to The Tribune.

WASHINGTON, March 8.—Representative Joseph Howell will not realize his ambition to go upon the ways and men at committee. Speaker Cannon has decided to appoint Representative Bonyage of Colorado. Mr. Howell made an active canvass for the place, but failed.

TRODADIT BE CACHAMGED

Special to The Tribune.

WASHINGTON, March 8.—Representative Bonyage and committee. At present but of the place ways and means committee. At present more products of lenther will be seriously cut. The sugar duty will not be changed.

Special to The Tribune.

WASHINGTON, March 8.—Representative Bonyage and other manufactured age of Colorado. Mr. Howell made an active canvass for the place, but failed.

Special to The Tribune.

WASHINGTON, March 8.—Representative Same as it is in the Dingleton and the plan was made to the plan to the plan was made to the plan was to the plan was to the plan was to the plan was to the pla

PROBLEM OF CASH NOW VEXING ONE

Tariff and Find Money to Carry Out Plans?

PRESIDENT TAFT AND ADVISERS IN CONFERENCE

gested Probable Necessity of a Stamp Tax.

WASHINGTON, March 8 .- The problem of providing funds with which to carry on the projects under way to maintain the plans of the Taft admin istration and to make the demands square with a new tariff schedule is the work with which President Taft, Senator Aldrich, Speaker Cannon and Secre tary of the Treasury MacVeagh were engaged at a two hours' conference at the White House today.

The necessity for the enactment of a tariff bill at the earliest possible moment was discussed, but whether a definite policy was outlined could not be stated. That the manufacturers and other large interests are demanding early tariff legislation and that busi-ness will be unsettled until the tariff schedules are finally fixed, were the principal reasons for the desire to per-mit nothing to interfere with prompt action at the special session of con-

All Republicans Pledged. The possible delay which the house "insurgents" may cause by fighting the rules and the further difficulties that may be put in the way of getting the tariff bill through without delay were thoroughly gone into. The conferees agreed that every Republican in the house and senate is pledged by the party platform to let nothing interfere with an immediate revision.

party platform to let nothing interfere with an immediate revision.

Mr. Taft has made a consistent fight for a genuine revision of the tariff and has let it be known that he would be satisfied with nothing less. In his inaugural address he frankly called attention to the \$100,000,000 deficit confronting his administration, and he suggested the possibility or the pressitty gested the possibilty or the necessity of an inheritance tax.

Cleaned Up Difficulties.

It is certain that since today's con-ference there is a more definite under-standing as to what may be desired of the proposed new tariff as a revenue producer. If it has been concluded that tariff revision must be radical a pro-vision in the bill may be looked for which have for its purpose the raising of revenue by other means than a tax

conference,
President Taft conferred with Post- deal with the brewers, it would senators and representatives who wished to make their peace at headquarters with reference to future patronage; and tonight made one of a merry box party at a local theater.

years hence,
As said,
mitted to be

Ovation for Taft.

Ovation for Taft.

President Taft was given a rousing ovation tonight when he entered a box at a local theater to witness "The Rejuvenation of Aunt Mary." The orchestra played "America" and the addence applauded for fully five minutes.

Mrs. Taft was hostess at a box party in the afternoon at a Paderewski recital. The party included Mr. and Mrs. Moore, Mrs. Nicholas Anderson, Mrs. Charles Anderson and Miss Torrey, the president's aunt. president's aunt.

FIGHT ON RULES TO COME UP NEXT MONDAY

WASHINGTON, March 8.—A recep-tion to the new members of congress by the Republican congressional committee on Friday, at which it is understood Speaker Cannon will be present, is one of the latest developments in the maneuvers preliminary to the fight on rules to take place when the house meets next Monday

The insurgents are also preparing a The insurgents are also preparing a preliminary move. Representative Davis of Minnesota today declared that the plan for obtaining changes in the rules includes a deadlock on the election of the speaker.

Other insurgents, however, declare there will be no fight against Mr. Cannon, but that their efforts will be consented on a plan to vote down the

centrated on a plan to vote down the motion for the usual previous question on the motion to adopt the rules of the sixticth congress.
It is understood that Speaker Cannon

probably will make an informal speech the reception in favor of the pre-

While it is said that the reception is tendered by the congressional commit-tee to have the new members meet the speaker and some of the old members, the insurgents claim the object is to make sure of their co-operation in defeating

The insurgents will have a conference before the Republican caucus meets Saturday.

BLOODTHIRSTY CHIEF IS PRONOUNCED INSANE

SOLONS TO RECEIVE SPECIAL MESSAGE

14 PAGES—FIVE CENTS

How Shall Government Revise It Will Be Transmitted to Both Houses in Separate Communications.

> WILL RECOMMEND STRICT REGULATION LIQUOR TRAFFIC

Secretary MacVeagh Has Sug- Col. Loose, Jim Clove and Tom Hull Tell Spry What to Do.

In the Cullen hotel Monday evenng there was a conference at which lovernor Spry, Col. Ed Loose, Postnaster Clove and Attorney General Hull were present. At this meeting the question of a special message to the legislature, mention of which is made in another column, was discussed.

This message will not be submitted in a joint session, but will be a separate communication to each house. Cannot Dodge Question.

The question of prohibition has struck the administration like a thunderbolt from a clear sky. Every effort has been made to dodge it by the executive and church Republican party leaders, but without avail.

A number of conferences have been held and various measures have been gone over, and finally a bill was drafted at the dictation of the federal bunch and was introduced in the senate as an offset to the Cannon bill. This meas-ure was killed and another one pre-sented as a substitute. This one is now sented as a substitute. This one is now being discussed in the senate, but, like the federal bunch bill, will die.

Conference Is Held. Colonel Loose became alarmed, as did Colonel Loose became alarmed, as did. Smoot's right hand man, Postmaster Clove of Provo, over the situation, and drastic action was decided upon. The governor was advised and these two bowers of the apostolic senator came to Salt Lake Monday, and a prolonged conference was had in the governor's office, at which it was determined to send a special message to the legisla-

send a special message to the legisla-ture in joint session.

At the conference in the Callen ho-tel Monday night it was determined not to hold a joint session, but to trans-mit the message to each house in its own chamber.

What Message Will Say.

This message will contain a recommendation for strict regulation of the liquor traffic. It will say that the people are not ready for state-wide prohibition now, but that they will favor strict regulation. To this end the message will so recommend and will say that if, after a two years' trial, this does not prove strict featery than the does not prove satisfactory, then the people can try something else.

Mr. MacVeagh was sworn in as secretary of the treasury at 3 o'clock, and soon thereafter was at the White House thing that could be done now, and that while it was not in accord with the would leave the party free to hold up these brewers and liquor men again two

> As said, the message will be trans-mitted to both houses in separate communications

SENATOR PATRICK DALY DIES IN ANACONDA

BUTTE, Mont., March 8.—Senator Patrick Daly of Deer Lodge county, died suddenly today at his home in Anaconda of heart trouble. He was a brother of Marcus Daly, the Montana millionaire, and widely known in Mon-tana, Utah and Nevada. He leaves a

HELENA, Mont. March S.—Gover-nor Norris said that he did not regard it as probable that he would call a spe-cial election to fill the vacancy caused by the death of Senator Daly, at least unless some emergency should arise for the summoning of the legislature in spe-cial session. Senator Daly was quite ill in this city -rior to the adjournment of the legislature, being confined to his apartments for mere than a week.

MUST CHOOSE BETWEEN SOCIALISTS AND CHURCH

MILWAUKEE, Wis., March 8.—A special to the Evening Wisconsin from Manitowoe, Wis., says:

Members of the Roman Catholic church who are affiliated with the Socialist party must choose between that party and their church. This was broadly intimated by Rev. Kubiszewsky of St. Marys Polish Catholic church on Sunday in an address from the pulpit.

The priest said a circular letter from the pope was the basis for his state-ment and similar addresses will be made ment and similar addresses will be made by all Catholic priests in the state. The climax was forced here by the recent nomination by the Socialists of Peter Kaufmann, a member of the Catholic church, for city treasurer. Kauffman has withdrawn from the ticket, how-ever, and it is said, will sever his con-nection with the party.

TO SPEND \$50,000,000 ON NEW YORK ROADS

CINCINNATI, March 8.—Bicody, the Navajo Indian chief who recently ran amack in the Grand Cenfral station and cut three persons, was today pronounced insane by Dr. Walfstein. United States District Attorney Mc. Pherson is defending Bicody, as the Indian is a government charge.

Bicody has the ballucination the pale.